



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2003-14

July 1, 2003

Christos Papoutsy
2234 Ocean Boulevard
Rye Beach, NH 03871

**RE: DES Wetlands File #2003-01361 Papoutsy, 2234 Ocean Blvd., Rye
Tax Map 5.3 Lot 67**

Dear Mr. Papoutsy:

On June 13, June 24, 2003 and July 2, 2003, personnel from the Department of Environmental Services ("DES") conducted inspections of the above referenced property, more specifically referenced on Town of Rye Tax Map 5.3 as Lot 67 (the "Property"). The purpose of the inspections was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspections the following deficiencies were documented:

Approximately 5,600 square feet of sand dune, lowland or submerged lands in wetlands jurisdiction seaward of the highest observable tideline was either dredged, excavated and/or filled without a permit from DES. This is a violation of RSA 482-A:3, I.

In response, you are requested to take the following actions

1. Replace or recontour sand removed from in front of your seawall sufficient to blend into the existing contours of each abutting property and to taper the contours seaward into existing beach contours. *This Letter of Deficiency serves as your permit or authorization to proceed with the restoration work under RSA 482-A:3, I.*
2. Conduct the sand replacement /restoration in coordination with and under the direct on-site supervision of DES Wetlands Bureau Administrator or designee, who will determine at what point replacement is deemed to be adequate. You are requested to contact me at least three working days prior to execution of restoration so that a mutually convenient time and date can be arranged. The DES Wetlands Bureau Administrator will have final approval of the date on which the replacement/restoration work will occur. The replacement/restoration to take place no later than August 15, 2003. Restoration should take place in a manner to minimize impacts to surrounding sand dunes and to prevent any water quality degradation.
3. Allow the restored beach area to move and recontour thereafter according to the natural dynamic of the beach and tidal action, without interference. Hand-raking of accumulated seaweed is allowed.


DES may construe any failure to respond to this Letter of Deficiency in a timely and complete manner as continuing noncompliance.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Ms. Tilton at (603) 271-4061 or me at 271-4054.

Sincerely,

COPY
for Collis Adams, CWS
Bureau Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0687 9966

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Rye Conservation Commission
Rye Board of Selectmen
Susan Zarlengo, Rye Building Inspector
David Killoy, USACOE